1894-95
(L R)

File No 120 of ~~200~~ 94
Serial No. 1-11

Sub Appeal of Gowda Patel Sange regarding his claim to certain building sites at Timkur Buchanahalli

P. F. 55 of 95

G. R. S. IX-5]

Previous references.

1894-95

192 .

(L. R.)

File No. 120 of 94

Serial Nos. 1–11

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–11

Cejon Part B for December 1896.

SUBJECT.

Appeal of Patel Ganga Gouda regarding certain his claim to building sites at Cuchamballi, Kumrias Taluk.

Countersigned

WD 2293—GPB—20,000—14-6-20

Indexed

2.1

1894.

GOVERNMENT OF MYSORE.

REVENUE.

PROCEEDINGS.

Dated 6th April 1894.

No. 16919-27.
R. 1699.

Directing that the holders of building sites unoccupied by houses and backyards attached to them be called upon to pay a fair assessment on the area so occupied, and that in cases where the present occupants refuse to pay the assessment charged, the land be declared to be the property of Government, available to new applicants for building purposes.

Mysore Govt. C. Press, Bangalore.—10-4-94.—120.

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue),—dated 6th April 1894.

No. 16919-27—R. 1699, DATED, BANGALORE, 6TH APRIL 1894.

ORDER.—The occupation of *Gram-tan* (or Village site) land for purposes other than dwelling is an undoubted abuse. Cases have frequently come to the notice of Government in which villagers have occupied such land on which they would neither build nor allow others to build, and the consequence is that Government are obliged to make rent free additions to the village sites, notwithstanding that there is enough of village site available for building purposes. Government therefore resolve to rule that the holders of village site land unoccupied by houses and backyards attached to them be called upon to pay a fair assessment on the area so occupied. This will not only enable the Government to set apart assessed lands as additions to village sites when required, without needless loss, but also give good title to the occupants of lands and save all disputes as to whether the land is the property of Government or of the occupants. Where the present occupants refuse to pay the assessment charged, the land may be declared to be the property of Government, available to new applicants for building purposes.

L. ANANTASWAMI RAO,
Under-Secretary.

To—The Deputy Commissioners of Districts.
The Superintendent of Revenue Survey in Mysore.

Exd.—A.N.S.

5

13-11-84.

16-12-88

fabricated and fraudulent (Mahima) Court Cost - that he produced copy of Judgment - that he also submitted the statement given by Jaya Powda in the said suit - that Jaya Powda then appealed to the Chief Court which upheld the decision of the Lower Court - that he produced copy of the said Judgment also - that Accilobar Hema Wanniarachchi without going through the said records submitted a report statement in accordance with Jaya Powda's statement and the 87. found. crossed out it - that the Lots belonged to Jaya Powda -

Mahima further made a request before the Chairman that he perused the above records the Lots both in front and rear the house and also the one adjoining so it might be surveyed in his name in the list of vacant Lots and duly opened.

On the same day the Chairman submitted another report to the above effect in reply to Accilobar's order No. 1391 of 14-11-84 on the reminder petition of Jaya Powda of 13-11-84 stating that the Headmen and others had spread a rumour that the paths of the Lots were disputed had been ordered to be made in Mahima's name - that having been afraid of it he had approached him with the petition enclosing therein the plan of the Lots, copies of 84. found. Vellan No. 802 of 87 and also urge No. 504 of 86 that if they were gone through it would be clear that excluding the house in which Mahima lived - measuring 27 yds E. to W. and 18 yds. N. to S. the rest of the Lots belong to him and praying that the paths of the Lots under dispute might be made in his name and that Mahima be told that he should

not entered upon the lands until he established his rights thereto in a competent court.

On the 8th February 95 the Assistant passed two orders on the said reports.

Order No. 203 is as follows:-

I inspected the Cattaran Cheri - it is the front yard of the house. It should not be entered in the list as vacant land and assessed with Kandayam - Consequently let it remain as heretofore - the dispute should be stopped here - this fact should be noted in the list of Vacant Lands.

Order No. 204 is as follows:-

Separate order has this day been passed in regard to the front yard of Pauze Fowda - this has nothing to do with that. It is understood from the Enclosures of your report that the Cheri referred to in Muthuvadiyatchi form the backyard of Muthuvadi's house - Consequently the Kandayam charges therein is written off - there is no occasion to enquire the dispute about its enjoyment and Vattaram - As these Lands under dispute form the backyard of the house they should be omitted in the list and their Kandayam is assessed written off - for the reference to the Chairman - Inform this to the petitioner.

Due Effect was given to the above order - vide Mudaliar's report No. 396 of 15-3-95.

On the 16th April 95 petitioner Pauze Fowda submitted a petition to the Assistant with reference to his order No. 204 of 8-2-95 stating that he had not been granted copy of the above order - that the Lands were entered in the list of farm lands and duly assessed - that the yearly thereof was made in his name - that the assessment

Petition No. 3216 dated 29th August 19[illegible]
A.S.No.172

Petitioner - Patel Gangaram Jivabhai
of Borsamaswalli
Taluka Kaira

Appeal against the order
dy. Collr. Kaira Dist. No.
4/6 dt 2-5-35 Regarding the
Vasiyat land in Borsamaswalli village

Ⓐ Respdt. dead for hearing
to be paid.

Counsel for Petitioner states that the
late Patel Jivabhai Bhikabhai of Borsamaswalli
died on 1-5-35 leaving behind him
his widow Ba Kashi and his daughter
Ba Jamna. Ba Kashi executed a deed
of adoption in favour of Ba Jamna
on 2-5-35 and the Petitioner
is the adopted son of Ba Jamna.
Counsel further states that the
Petitioner is in possession of the
land in dispute and that the
Petitioner's name has been entered
in the Revenue Records as the
owner of the land in dispute.
Counsel further states

3

6-11-36

No. 7139/27-C-36

No. 8128/26-B-36

the head tiles in front dating that the Trustees could not be expected with the Title Deed from Neild to Irving to pass forward.

The Trustees for the State Matter Irving-Mr Irving Chairman - decided that the pallisading part of the front garden - with the new iron gate & iron railings (there is already a wood gate) from the House - that they approve the Committee acting with Mr Neild in getting off from the Title Deed - that they approve of the Committee having instructed Mr Hooper (1864) - that in case from proceeding the Trustees the Deed not proceeded after that time that they approve the Title Deed being sent to Messrs Irving Brett & Co for execution - that Mr Irving be requested to sign the Deed - that Mr Neild be requested to sign the Deed - that Mr Hooper be requested to sign the Deed - that Mr Irving be requested to sign the Deed - that Mr Neild

6-4-95

2-5-95

2. That in the said petition it was stated that the said petitioner was a minor.

3. That in pursuance of the said order of the said Court dated the 9th day of April 1934 prepared the said petition praying for leave to file the said petition on behalf of the said petitioner and that the said petition was duly signed and verified by the said petitioner and that the said petition was duly filed in this Court.

4. That in the said petition it was prayed that the said Court would be pleased to appoint the said petitioner as the guardian of the said minor and to grant such other and further orders as to this Court may seem fit and proper in the premises.

5. That the said petition was duly served upon the said respondent and the said respondent appeared in person on the 24th day of April 1934 and filed his objections to the said petition.

6. That the said petitioner duly filed an affidavit in reply to the said objections of the said respondent and the said affidavit was duly served upon the said respondent.

The said petition was duly set down for hearing on the 4th day of May 1934 before this Court and the said petition was duly heard.

Upon reading the said petition and the affidavits and upon hearing the said parties and their respective Counsel this Court doth order as follows:

1. That the said petitioner be and he is hereby appointed guardian of the said minor and that the said petitioner do forthwith enter into a bond in the sum of £ [illegible] with two sureties to be approved by the Registrar of this Court conditioned for the due performance of the said guardianship.

2. That the said petitioner do forthwith file in this Court a statement of the property of the said minor.

3. That the said petitioner do render an account of the said guardianship to this Court when required so to do.

4. That the said petitioner do pay the costs of the said petition and of this order.

5. That the said petitioner do pay the costs of the said petition and of this order.

Pol. 0/13-6-75

No. 1480/10-8-75

[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [

Standard Report No. XI. Statement
showing the Total Number of Cases
Reported, Number Tried, Number
Pending, Number Struck Out, Number
Withdrawn, Number Settled, Number
Dismissed, Number Struck Out for
Want of Prosecution, Number Struck
Out for Want of Jurisdiction, Number
Struck Out for Want of Service, Number
Struck Out for Want of Particulars,
Number Struck Out for Want of
Prosecution, Number Struck Out for
Want of Jurisdiction, Number Struck

Lillesiles Deed Village was perfected last
year as a Special Division, and the
title was changed as shown above.
No 16/19-27 of 6-4-34 - Mat. re Application
of Pentland Hotel for Special Licence
Re: Sale of Intoxicating Liquor
in Hotel - Mat. Solicitor for Applicant
Mat. Inspector Police, Lillesiles District
Mat. Inspector Police, Lillesiles District
Mat. Inspector Police, Lillesiles District

17

GOVERNMENT OF MYSORE

Appeal No 172 of 1894-95

Appellant—
Gange Gowda

Respondent—
Mahima

Dispute regarding certain building sites in Buchanhalli, Tumkur Taluk.

(Please see list of papers attached).

For the proper decision
of this case it is necessary
to have a correct sketch
of the land in dispute
and it should be compared
with the schedule attached
to the civil court proceedings
& found as to whether
both are identical, or otherwise
The Dy Comm'r will also be
requested to report whether
the land in dispute has
been entered in the
village registers, and
if so the extent of such
registers must be sent.
If any reference are forthcoming
civil to show that when the
land was added on both
village it had been assessed
& was in the holding of
Sangappa such papers
must be sent up also.

20-2-96

15

Voir fiche 4-95

Lubeck fra sodas

Lucy Boldemann

20-12-95

Pls will
usual comm[illegible]
and Wm Parkes
concerned [illegible]
Malvina
Mr Shaw expected
abt. be in attendance

27.1.96

Ordered
weekly

28-1-96

[illegible]

The question which was decided
by the Amsden & the Dist Court
related to the liability of Mrs
marked 5. 6. & 7 in the plan sent
by the Dist Court with this No 337.
to be taxed under Govt order No
Both of them
of have held that they re
the tittals of Mahomed's
house and not separate
village-site-land as contended
by the appellant Gungaprasad
In this finding for concurr
and hold that item number
need not be taxed.

The question of ownership
cannot be satisfactorily
decided in a summary
Enquiry like the one held
in this matter. It is open to
the parties to have it adjudi
cated in proper courts. This
appeal will therefore be dismissed

27th Oct 15

Wilkinson

Chit Boarer.

Chan Jail Bar ... Apr - 27
R 16 17

8-6-4-94.

+ Plane copy - Lic
+ up

FDC
6/6/95

C.C. d. 5 L.R. 1820-94-1

In time
Stamp sufficient

Lic to be for: Encroach

Chief
5/6
ved 8/6 Calendar the
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withdrawn
Want Und
8/6/95
Draft
Hoc
6/6
Drafted
10/6

23

Gen. Serial No. 32

189 5

No. 3215

Name of Petitioner. Patil Fakirgowda Kadaraj al

Village. Boochanahalli

Taluk. Tumkur Dist

District. Tumkur

Date of Arzi. 29-5-95

Date of Receipt. 30-5-98

Date of Disposal.

No. of Enclosures. 7

ABSTRACT.

Applicant applies for grant of site by Tahsildar Tumkur Memo No. 2-5-1/4 of 2-5-98 regarding certain vacant site in Boochanahalli.

The grounds applicant is as follows:-

Madanna has encroached portion of his land and the said site forms part of his backyard. You say that it belongs to you and it should be granted to you by applying it with the Kadaraj area of the vacant site. It is not known whether it belongs to you or to Madanna. The matter is one that should be decided in a Civil Court.

The petitioner.

1. [illegible] petition and the respondent did not appear in person or by advocate.

2. That the petitioner filed the petition for divorce on the ground that the respondent has been living in adultery with one [illegible] since [illegible] and that the petitioner has not condoned the adultery of the respondent. The petitioner has not in any manner whatsoever condoned the said adultery of the respondent.

3. That the petitioner married the respondent on [illegible] according to [illegible] rites and ceremonies. The marriage was registered with the Registrar of Marriages at [illegible] under Marriage Certificate No. [illegible] dated [illegible]. That the petitioner is a Christian. The petitioner and the respondent lived happily as husband and wife for about [illegible] years and during the said period a child was born to them namely [illegible] who is now aged [illegible] years. The petitioner has been employed as a [illegible] by the [illegible] Company Limited for the last [illegible] years. The respondent is a [illegible] by occupation.

4. That the petitioner avers that the respondent has been living in adultery with [illegible] since [illegible] and that the petitioner has been informed by [illegible] and believes that the respondent has been living in adultery with the said [illegible] at [illegible] and that the petitioner has not condoned the said adultery.

5. That the petitioner avers that the respondent deserted the petitioner on [illegible] and that the petitioner has been living separately from the respondent since then. That the respondent has refused to return to the petitioner despite several requests made by the petitioner and that the petitioner has not condoned the desertion of the respondent.

6. That the petitioner avers that the respondent has been guilty of cruelty towards the petitioner. That on or about [illegible] the respondent [illegible] the petitioner with a [illegible] and that the petitioner has been informed by [illegible] and believes that the respondent has been guilty of cruelty towards the petitioner.

25 Pet 1895

1576/95

MYSORE DEWAN'S OFFICE, (4)

PETITION DEPARTMENT.

L. R. 120-94-2

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 3215 dated 23 May 1895 received at the Dewan's Office from Patel Timmappa Gowda of Bharamasagara Hobli Tumkur Taluk Appealing against order in Suit No. 415/92 on the file of Court of Munsiff of Tumkur in regard to his claim to certain building site

is forwarded, together with its seven enclosures, to the Deputy Commissioner of the Tumkur District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

Draft 13/6

Rec. 13/6

~~Chief~~ *Secretary.*

BANGALORE,

8-6-1895

13/6

R'dan 14/6.

M.G.C.P.B.—25-4-95—1,000

Gen. Serial No. 81

REVENUE DEPARTMENT
Gl. No. 1945
13 AUG 95
COMMISSIONER'S OFFICE
E29 C 05/1066
5

From The Deputy Commissioner
Tuticorin District

To The Revenue Secretary
to the Government of
Madras

Dated 10th August 1895

Despatched 12th do

Received

Enclosures No. 2 files

General No. 75
No.

Office Memo No
Port 8th June 1895.
1800

Submitting a report
on the petition of the
Cattle Pangayadis of
Pechamakali in the
Tuticorin District.

Sir

I have the honour to forward herewith the petition of the Cattle Pangayadis of Pechamakali in the Tuticorin District praying that the village site may be assessed under Fasli 1304 - 2nd - 1894. No claim to the site is recognised by the Zamindar and the Ryots of the village have been cultivating the site for many years. The site is situated between the Pechamakali Kulam and the Tuticorin Road. The Collector is not clear in his case as to whether the site is a Kambai or Pallam land (?) and also as to the Fasli in which assessment should be imposed (?) A final decision is requested.

I have the honour to be
Sir
Your most obedient servant

D.R. 120 - 9H - 3

Do Have details been
entered in the Demand
Book - If not why not
Are they entered
in any register at
all? Instructions
are wanted

17/8/95

Tuticorin Tahsildar
19-8-95

Petn
Abstr
18/8/95

13/8/95

No. 45

Cer. 2 file

Tumkur District

Deputy Commissioner's office

Tumkur, 5th August 895.

To

The Revenue Secretary

to the Government of Mysore

Sir,

With reference to your official circular No. 1801/1800, dated the 5th June, 1895, forwarding for report (with records of the case) petition from Patel Gauge Gowda of Basthanahalli in the Tumkur Taluk appealing against the order No. 4 dated the 2nd May 895 refusing him Civil Court in regard to his claim to certain building site in the said village, I have the honor to state as follows:—

2. A list of vacant sites in the said village was prepared last year in order to effect Renewals in accordance with the orders contained in Government Proceedings No. 169, 3-2, dated the 6th April 894.

R1699

2. On the application of Patrick Keenan jun.
(Petitioner) his name was entered as the
proprietor of a city mentioned in the list.
But he presently one Patrick Kilfoil
mentioned to the Auditor claiming that
the two of those city lots of the land of
his house and the other by the side of it
belonged to him, that he was prepared
to prove his ownership thereto and that
therefore his name should be entitled
for that of the Petitioner in the list.
Thereupon the Auditor instituted an
enquiry regarding the claims of Patrick
to the two city lots and found that they were
rightly on record entered to
Petitioner's house and garden, directed
that they should be omitted from
the list, the question of the proprietorship
of the city being left to be decided
in proper Court. Upon this, Petitioner
appealed to this office where the Auditor's
decision was upheld.

3. On his appeal, petition to the
Queen, the Petitioner states that in the
City Court these city lots were declared
to be his property. Consequently this

30

(6)

L.R. 120-94-H

To

The Deputy Commissioner
Tumkur Dt.

No. 2052 / P.405 / 19 / 22 / 8.95-

Enc: 1 V. file.

His letter No 145 / 10 Dt. Instt.
reporting on the petition of
Patel Ganga Gowda of Beechambalu
in the Tumkur Taluk

With reference to the above
has the honor to request that
the Dy Commr will be so good as
to state whether the sites or hittals
referred to in the Petn bear
separate numbers in the
Mohatarfa Register No XI
of the village, and if they do
not whether they are entered
in any village account at
all.

The records received with
the above are returned for reference
and resubmission. They show
that the sites had been entered
as Nos 5, 6 & 7 in the list of vacant

ities that Kandayam was
imposed on them at the time of 31
Ramabandi and that
the first Kisti thereof was received.
Extracts from the list & the orders
directing the imposition of the
Kandayam should be put up with
the file

By order

[illegible]

19 [illegible]/19

Rev. Secretary

[illegible]/18

of Judgments attached, it will be seen that in the suit brought by the Petitioner against Ellahina for the recovery of possession of a house and a site occupied by him (Ellahina) the Court of the first instance decided the genuineness of the said loan and dismissed the suit and the decision was upheld in the Privy Council.

4 The petition with its enclosures received with the Memo under Reply and the records of the case are herewith submitted.

I have the honour to be
Sir
Your most obedient servant

(Illegible)
Asst. Deputy Commissioner
Jaffna District
E/C

Gen. 31.]

REVENUE DEPARTMENT. No. 4127 25 NOV. 95 SECRETARIAT OFFICE.

1895 Oct 36

35

9

From The Deputy Commissioner
Tumkur District.

To The Revenue Secretary to the
Govt: of Mysore

Dated 20th November 1895.

Despatched 22nd Do

Received

General No. 467
No.

Enclosure No. Record

R.R. 120-94-6

In his Docket No 2052/405 of the 19th August 1895.

Submits the further information called for regarding certain building sites in Buchenahalli in the Tiptur Taluk claimed by Patel Gurusiddaiya of that Village.

Rec'd 25/11/95
Ref - Refd
25/11/95

Docket sent herewith
26/11

No: 467
Enclo: Record

36

Tumkur District
Deputy Commissioner's office
Tumkur 20th November 1895.

To The Revenue Secretary to the
Government of Mysore.

Sir,

With reference to your docket No: 2052/405 of the 19th August 1895 calling for further information regarding certain building Sites in Buchenahally in the Tumkur Taluk claimed by Patel - Gange Gowda of that Village, I have the honor to State that the Sites in - question are not mentioned in the Mohaturfa Register No: XI of the Village, nor are they entered in any other Village account. The original list of vacant Sites containing the order directing the imposition of Kandayam on these Sites is herewith Submitted for reference.

2 From the remark at the bottom

20-05-98

Pet 662

17-9-95

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

(8)

OFFICIAL MEMORANDUM

The accompanying Petition No.

dated received at the

Dewan's Office from Madhava of Kuchanur Taluk in re the appeal petition of one Ayanna Gowda to the building office, regarding certain civil

is forwarded, ~~together with its enclosures~~, to the Deputy Commissioner of Tumkur in continuation of this Office docket No 2952 of 17-8-95 P 405 for submission of the papers referred to by the petitioner if they are not already in the file.

By order,

Draft.

Bangalore,

16 Sept 1895

Revenue Secretary.

14/9

Clk

12-9-95

bottom of the extract of Gange Gowda's Khatè for the year 1894-95, marked A in blue pencil, it appears that the assessment on all the 16 Sites entered in Gangè Gowda's name (including those subsequently held to belong to - Mahima) was recovered from him and that the assessment on the disputed Sites (One Rupee) has been held in - deposit.

3. The records in the case are here- - with returned.

I have the honor to be
Sir,
Your most obedient Servant

P. Ramachandra Rao
Offg: Deputy Commissioner
Tumkur.

Gen. 31.]

REVENUE DEPARTMENT
Gl. No. 4128
Ex 369
25 NOV. 95
REMAINDER OFFICE

38

(10)

From Deputy Commissioner
Simtur District.

To Revenue Secretary to
the Govt of Mysore.

Dated 20 November 1895.
Despatched 22nd do
Received
General No. 468
No.

Enclosure No. 1 and Receipt

This Office Memo No 662
of 14 September 1895.

Submits the papers
alluded to by him-
self of Beetam-
halli, in the Simtur
Taluk.

Rec - Refer
25/11/95

Ad Dist Officer
- 25/11

L.R. 120 94-7

No: 468
Quelp Pol: d Accord:

Tientsin District.

Deputy Commissioners Office.

Tientsin 20th November 1895.

To

Sir Evelyn Secretary to
the Government of Hongkong.

Sir,

In reply to your Confid
Memo No 662 (Pol.) of 4 Septem-
-ber 1895, forwarding a petition
from Inahima of Beechanballi
in the Tientsin Salute regard-
-ing certain building sites in
that Village, I have the honor
to submit herewith the papers
alluded to by the Petitioner as
per Series, and to refer you to
correspondence ending with my
letter No 467 of this day's date.

I have the honor to be
Sir
Your most obed: Servant.

Jas Russell Read
H.B.M. Deputy Commissioner

× herewith

4°

(2)

Proceedings of the Govt of Assam.

Read:

(1) Letter No 145 dated 10th August 95 from the Deputy Commissioner Lumding dated, reporting on the petition of Fakir Gayejuddin of Bachanhali in the Lumding Taluk, regarding his claim to three building sites in Bachanhali

(2) Correspondence ending with letter No 465 dated 20th August 95, from the same officer

(3) Records connected with the case.

L.R. 20-9-95

Encl 2 Ver: files—

Order thereon No 7728 P.W.S.S-95 25-2-96

For the proper decision of this case, it is necessary to have a correct sketch of the land in dispute.

It should be compared with the Schedule attached to the Civil Court proceedings, and a finding recorded as to whether both are identical or otherwise.

2. The Deputy Commissioner will also be required to report whether the land in dispute has been entered in the village registers, and if so, to send up the latest of such registers. ~~must be sent~~. If any references are forthcoming to show that before the land was handed over to the village, it had been assessed and was in the holding of Gaiga Gauda, such papers also must be sent up.

2. The records are returned for reference and transmission.

Draft
C243

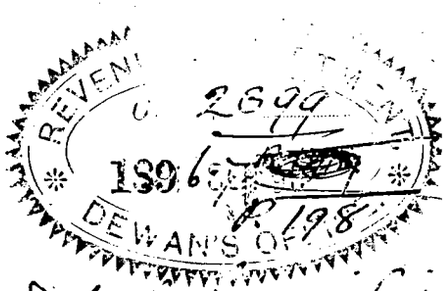
Hob
for Secretary 25/2

To The Deputy Commr
Tumkur District
etc

Should

The Dy Cr will then one prepared, and after comparing it with the sketch filed as a Schedule to the Civil Court proceedings, ~~to~~ ~~send up~~ note whether they agree with each other or differ in any particulars. The Dy Cr will also be required to report whether the land in dispute has been entered in the village registers, and if so, to send up the latest of such registers.

Gen. 31



2899
P. 198

From The Deputy Commissioner
Tamluk District

To The Secretary to the Govt of
Bengal, Land Rev.
Department

Dated 25th September 1896.
Despatched 26th —do—
Received

General No. 337.
No.

Enclosure No. 5 Vernacular
Govt. order 13.7.28-9
0.7.55-75
25th February, 896

Reporting on the
alleged petition of
Patit Pavan Gayen
& Bereavements
in the Tamluk Talook

Petition March
28/9/96

R. 289

Rec'd 29/9 Rec'd 377
Refer for entry.
Reg
30/9

Deputy Commissioner
Tamluk to Govt Collr
Hijli

42

L.R. 120 .94-9

No 337
Rev: Rev: files

Deputy Commissioner's office
Tumkur District
Dated Tumkur 20th December 1890.

To

The Secretary to the Government of
Mysore, General and Revenue
Department.

Sir

Adverting to Government order
No: 7728 dated 20th January 1896 regard-
P. 455-95
-ing the appeal of Patel Ganga Gowda
of Beechana halli, in the Tumkur Taluk
in regard to certain Buildings sites in
the said village, I have the honor to
submit herewith a correct sketch
prepared by the said Measurer
of all the 12 sites claimed by Patel
Ganga Gowda and to state that out
of them, sites Nos: 5, 6 and 7 are claim-
-ed by Mallaiya.

2. Patel Ganga Gowda asserts
that the land comprising the 12 en
sites and houses in the sketch formed,
about
prior to the Survey settlement, a portion
of fields Nos: 49, and 2 in the holding
of one Thimma, who sold them to his
father Thimmaiya for a Consideration. But Mallaiya, on the other
hand, states that his father and
Petitioners father had each Rs. 5, and
a Khandy of Ragi to Thimma and

H. Purchased the portion of the land for building purposes. No documentary evidence is produced in support of either of these statements.

3. That the land shown in the sketch was originally in the holding of Thomas is evident from the entry made in the Kottar panchayat book of the year 1864 to the effect that S. Paraie Pillai out of "Vinnamalai hola" had been taken up by Thomas Gonsalo (Gonçalo Gonsalo father) for building purposes. During the survey settlement the portion occupied by houses with adjoining lands used for depositing manure &c. was included in the village site and the rest which now bears survey No. 20 was confirmed in Gonçalo Gonsalo father's name.

4 On comparison of the sketch now produced by the Salute Treasurer with the one filed as a schedule in O.S. No 382 of 1884 on the file of the District Munsif's Court, it seems to me that a portion (10 x 5 yards) of site No 7 to the East of Mathias house was then the subject of the suit.

5. The measurements of the three sides in dispute are as follows:-

No: 5. 27 × 25 yards.

No: 6. 25 × 30 yards.

No: 7. 27 × 30 yards.

6. I file herewith Record of the Municipal Council Boundary Report No: 421/444 together with the Record of Civil Suit No: 332 of 1884 on the file of the Kandyan Municipal Court are herewith submitted.

I have the honor to be
Sir
Your most obedient Servant

Mr Canagaratna

Deputy Commissioner
Kandyan Districts

EV.

Hb (15)

L.2.20-94-00

Proceedings of the Court of Enquiry

Read:-

(1) Petition of appellant No. 32/5 dt. 1.7.95 from Patil Gangaram of Buchnakatty in the Taluka against the order of the Deputy Comm., Amalner dt., in the matter of his claim to certain mining dues in the village.

(2) Correspondence ending with letter No. 33, dt. 20th Sept. 95 from the Dy Comm., Amalner dt., enclosing the sketch and the further information called for.

Order No. 5039/Rev-55-95 dt. 1.12.96

Revenue instructions conveyed in Govt. Memo. No. 1213-27/R 1699 dt. 6th April 1899, directing the levy

levy of a fair assessment on building sites unoccupied by houses and backyards, a list of vacant sites in the village was prepared in 1894-95. On the application of Pet. George Gyonda his name was entered as the proprietor of 12 of the sites. Subsequently on the complaint of one Chickabarnina (Contr. Pet.) that the sites at the back side and back of his house belonged to him, the Auditors instituted an enquiry and found that they were the fictitious attached to the Contr. Petitioner's house and directed that they be removed from the list of vacant sites. On appeal the Dy Comm. confirmed the Auditors order and referred the Pet. to Civil Courts for establishing his claim to the sites in question, which are marked

in No. 5,647 are the correct sketch submitted by the Dy Commissioner.

2 The question which was decided by the Assistant and the Deputy Commr related to the liability of the sites marked in Nos. 5,047 in the plan submitted by the Deputy Commr in his letter No. 3373 25th Sept. 1896, to be taxed under the Govt order referred to above. Both of them have held that the sites are the sites of Pathan's house and not separate village-site land as contended by the Appellant-Jamadar. In this finding Govt concur and hold that these numbers need not

not be taxed.

The question of ownership cannot be satisfactorily decided in a summary inquiry like the one held in this matter. It is open to the parties to have it adjudicated in proper courts. This appeal will therefore be dismissed.

1/12/96
Jr. Secretary

C2/C3.

Draft
Bbn

To

The Deputy Commr
Immediately forwarded.
Endorsement to Petitioner.

7-12-96

Noted
M.S 21-12-96

SD (14)

7-12-96

Vide ... -12-96

By order

1/12/96

For Secretary

Vide ... -12-96

By order

1/12/96

For Secretary